

FILED



11:09 am, 4/12/23

**Margaret Botkins**  
Clerk of Court

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF WYOMING**

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FIRST INTERSTATE BANCSYSTEM, INC.  
and FIRST INTERSTATE BANK,

Plaintiffs,

vs.

DAVID HUBERT, NICOLE CHRISTENSEN,  
and JAY MARTINSON,

Defendants.

Case No. 21-CV-00067-NDF

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**ORDER DISMISSING REMAINING DUTY OF LOYALTY CLAIM  
WITH PREJUDICE**

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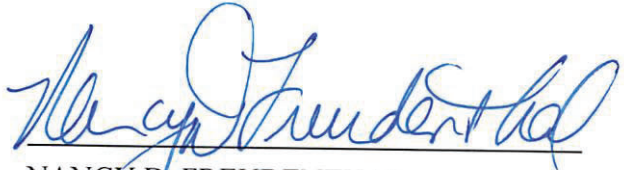
This matter comes before the Court on a Pretrial Status Conference set in the above-captioned matter on April 12, 2023, at 9:00 am and the Stipulated Motion to Dismiss Duty of Loyalty Claim with Prejudice. Plaintiffs' Motion and discussion inform the Court that they waive the remaining damages alleged in the case, generally consisting of certain marketing costs, salary and wage costs, and direct costs which Plaintiffs have alleged were caused by the breach of the duty of loyalty by Defendants. The parties then stipulate that, following such waiver and the Court's prior evidentiary and substantive rulings, there remain no issues to try in the trial currently set for April 17, 2023, for five days. Plaintiffs and Defendants, therefore, have stipulated to a dismissal of this remaining claim with prejudice. Based on the foregoing, and being otherwise fully advised in the premises,

**IT IS HEREBY ORDERED** that pursuant to Federal Rule of Civil 41, the remaining duty of loyalty claim asserted by Plaintiffs in this matter is dismissed with prejudice as to the remaining Defendants, David Hubert, Nicole Christensen, and Jay Martinson.

**IT IS FURTHER ORDERED** that, there being no further issues or claims left to resolve in this case, and all claims and issues having been finally adjudicated, the trial in this matter currently set for April 17, 2023, is hereby vacated.

Judgment shall enter accordingly.

Dated this 12 day of April 2023.

  
NANCY D. FREUDENTHAL  
UNITED STATES SENIOR DISTRICT JUDGE